

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO: 03-12307RGS

JOSEPH CHRISTOFORO
Plaintiff,

v.

JULIO LUPO, FRANK G. COUSINS, JR.
INDIVIDUALLY AND IN HIS CAPACITY
AS ESSEX COUNTY SHERIFF AND
CERTAIN UNKNOWN INDIVIDUALS
Defendants

PARTIES' MOTION TO EXTEND TIME TO FOR FILING SUMMARY JUDGMENT

Now come the parties and hereby ask this Honorable Court to extend the time for filing summary judgment by one month from May 20, 2005 until June 20, 2005.

As grounds therefore, the parties state that they need this extra time due to the fact that plaintiff's counsel had major neck surgery on April 21, 2005 and now is just getting back to full time work. Defense counsel had waited to file summary judgment until plaintiff's counsel's improved, knowing that prior to plaintiff's counsel's health improvement he would be unable to respond to

Further, the parties state that this is this final request for an extension of filing of summary judgment, and that all parties assent to this motion.

Plaintiff, Joseph Christoforo,
By his attorneys,

/s/Edward J. McCormick
Edward J. McCormick BBO# 329780
Gilmore, Rees, Carlson & Cataldo
1000 Franklin Village Drive
Franklin, MA 02038
(508) 520-2200

Defendant, Sheriff Frank G. Cousins,
By his attorneys,

/s/ Stephen C. Pfaff
Douglas I. Louison BBO# 545191
Stephen C. Pfaff BBO# 553057
Merrick, Louison & Costello, LLP
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

Defendant, Julio Lupo,
By his attorney,

/s/ Joseph W. Monahan
Joseph W. Monahan, III BBO# 351100
Monahan & Padellaro
43 Thorndike Street
Cambridge, MA 02141
(617) 494-1188

CERTIFICATE OF SERVICE

I, Stephen C. Pfaff, hereby certify that on the 19th day of May, 2005, I served the foregoing by electronic filing to Edward J. McCormick, Esquire, Gilmore, Rees, Carlson & Cataldo, 1000 Franklin Village Drive, Franklin, MA 02038 and Joseph W. Monahan, III, Monahan & Padellaro, 43 Thorndike Street, Cambridge, MA 02141.

/s/ Stephen C. Pfaff
Stephen C. Pfaff

